

**SOMMER BARNARD ACKERSON**  
ATTORNEYS, P.C.

ENTERED  
Office of Proceedings

APR 23 2004

Part of  
Public Record

210674

April 23, 2004

Via Hand Delivery

The Honorable Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, D.C. 20423-0001

ENTERED  
Office of Proceedings

APR 23 2004

Part of  
Public Record



Re: Docket No. AB-290 (Sub-No. 168X)  
Norfolk and Western Railway Company – Abandonment Exemption –  
Between Kokomo and Rochester in Howard, Miami, and Fulton Counties, IN

Dear Secretary Williams:

On behalf of Counsel for William C. Friend, Steven Furnivall and Linda Schanlaub, attached please find one duly-executed original accompanied by eleven copies of the Affidavit of Linda Schanlaub in Support of Petition for Reconsideration. A copy of this affidavit accompanied the original Petition for Reconsideration of William C. Friend, Steven Furnivall and Linda Schanlaub that was filed on April 19, 2004. In their cover letter, Counsel for William C. Friend, Steven Furnivall and Linda Schanlaub stated that they would file Ms. Schanlaub's original affidavit upon their receipt.

Please file appropriately and time-stamp one copy of the affidavit and provide to the courier. Thank you for your consideration in this matter.

Respectfully submitted,

Eric Bolton  
Case Manager

Attachments

cc: Counsel of Record

210674

**BEFORE THE SURFACE TRANSPORTATION BOARD****STB Docket No. AB-290 (Sub-No. 168X)**

**NORFOLK AND WESTERN RAILWAY COMPANY-  
ABANDONMENT EXEMPTION- BETWEEN KOKOMO AND ROCHESTER  
IN HOWARD, MIAMI, AND FULTON COUNTIES, IN**



**AFFIDAVIT OF LINDA SCHANLAUB IN SUPPORT  
OF PETITION FOR RECONSIDERATION**

ENTERED  
Office of Proceedings

**APR 23 2004**

Part of  
Public Record

STATE OF INDIANA       )  
                                  ) ss.  
COUNTY OF FULTON     )

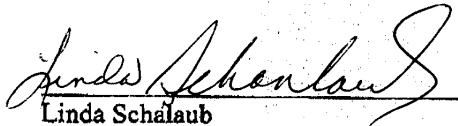
I, Linda Schanlaub, being first duly sworn on oath, state as follows:

1. I am over the age of 21, understand the taking of an oath, and am competent to give this affidavit. The matters set forth in this affidavit are based upon my personal knowledge.
2. I am the owner and President of Macy Elevator, Inc., which is located at 2787 West 1350 North, Macy, Indiana.
3. My property is adjacent to and approximately midway between the portion of the Norfolk and Western Railroad line extending between milepost I-75.5 near Peru, Indiana and milepost I-95.6 near Rochester, Indiana ("Norfolk and Western line"), which was included in the amended decision and notice of interim trail use or abandonment (NITU) that was served March 10, 2004.
4. My counsel requested I make this affidavit to supply the following

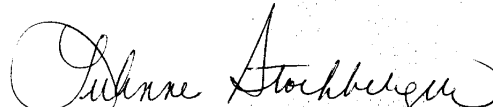
information.

5. The tracks to the Norfolk and Western line that ran by my property and through Macy, Indiana, were removed in either August or September of 1997.
6. Wilson Fertilizer & Grain Company ("Wilson Grain") is the current owner of the right-of-way that starts south of Rochester, at Wabash Road, and runs through Rochester to Argos, Indiana. That right-of-way segment is used exclusively by Wilson Grain, no other shipper uses that segment, and it is used by that company to ship agricultural products.
7. Wilson Grain, however, uses the southern portion of that segment, from Wabash Road to 18th Street, solely for the purpose of storing cars, and for no other purpose.

IN WITNESS WHEREOF, I have hereunto set my hand, this 19th day of April,  
2004.

  
Linda Schaub

Sworn to and subscribed before me this 19th day of April, 2004.

  
Notary Public for the State of Indiana  
LuAnne STOCKBERGER Com. Exp-11-12-2006  
STATE OF INDIANA FULTON COUNTY